S.B.Cr.Misc. II Bail App. No. 1733/2006

Date of order : 04/05/2006

HON'BLE MR.H.R.PANWAR, J.

Mr. Pankaj Sharma for the petitioner.

Mr. J.P.S.Choudhary, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State.

This is second bail application. The first bail application came to be dismissed by this Court vide order dated 14.9.2005. After dismissal of the first bail application, the trial of the case has not proceeded. Learned counsel for the petitioner has placed on record the order sheets of the trial court which show that the counsel for the complainant has been seeking adjournments for producing the prosecution witnesses on the ground that the parties are exploring the possibility of compromise and other co-accused have also been seeking adjournment only on the ground of possibility of compromise between the parties. He further submits that all other co-accused are on bail.

Looking to the facts and circumstances of the case and the fact that trial is not proceeding expeditiously, having considered the oral arguments advanced by the counsel for the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this second bail application filed under Sec. 439

Cr.P.C. is allowed and it is directed that petitioner Naniya @ Mahendra Kumar S/o Subhash be released on bail in FIR No. 91/2005 P.S. Gharsana, district Sri Ganganagar, provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP